

COURTESY COPY

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHLOÉ, S.A.S., J. CHOO LIMITED

Plaintiffs,

- against -

KEN CHEN a/k/a SHU CHEN a/k/a XIANG
CHEN, DANIEL DOE, GODDESS
TRADING d/b/a
GODDESSTRADING@HOTMAIL.COM,
LUXUNG GOODS, LUXURY GOODS,
TERRY DOE d/b/a
AZNTERRY911@HOTMAIL.COM, JASON
DOE d/b/a JARRY326@YAHOO.COM.CN,
FASHION HANDBAGS, BENNY DOE a/k/a
YU LIN, JEANCARLO DOE, JOSEPH a/k/a
JOSE DOE a/k/a JOSE CHONG WEN, SISI
a/k/a CECI DOE, TOP LUXURY
HANDBAGS d/b/a
LUXURYHANDBAGS277@YAHOO.COM,
FRANCISCO DOE, BEN DOE, CARLOS
DOE a/k/a CARLOS RENE TSE SIO,
INSTYLE LUXURY HANDBAGS, LIN LIN
NAN a/k/a CORINA DOE a/k/a QIMIAO HU
a/k/a QI MIAO HU, KENNY DOE a/k/a YE
GUO a/k/a GUO Q YE, NEWCOME
TRADING d/b/a TOSCA, QUICK GLOBAL
SHIPPING, HOWARD EXPRESS
SHIPPING, RANDY DOE, JAE MAN YOO,
YAN HE XIA, WAI KIT WONG, CHEN LI
YU, CHEN X. JIANG, W. FEI ZENG,
CHENG CHEN, XIANXN CAI, FU
ALEJANDRO CHANG, WAI KIT LEW,
ENYI HUANG, YUE XU, SONG GAO,
LISA WU, JIMMY NG, TUAN PHAN, LING
CAI, LISA CHAN YAN FEN CHEN, P.S.K.
AMERICA, INC., HENG FA INC., CHEN
STAR GIFT SHOP, JOEY'S GIFT SHOP,
INC., CATSE CO., INC., SHEN XING GIFT
SHOP INC., NEW WEALTH TRADING,
INC. d/b/a TOSCA USA, TOSCA
HANDBAGS, NICE HANDBAGS, 265
CANAL BOOTH #16, 265 CANAL BOOTH
#5, 265 CANAL BOOTH #4, 277 CANAL
ADJACENT H-3D, 421A BROADWAY, and
various JOHN and JANE DOES and XYZ
COMPANIES (UNIDENTIFIED),

Defendants.
-----X

Civil Action No.: 07 CV 6491 (WHP)

PERMANENT INJUNCTION AND
JUDGMENT ON CONSENT AS TO
DEFENDANTS ENYI HUANG AND SHEN
XING GIFT SHOP INC. a/k/a SHEN XING
GIFT SHOP a/k/a CHEN XING GIFT SHOP
AND ~~PROPOSED~~ ORDER THEREON

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/25/2008

NY 238,689,227v1 2/20/2008

SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.

3/21/2008

Plaintiffs Chloé, S.A.S. and J. Choo Limited, having commenced this action for an injunction and other relief against, *inter alia*, Defendants Enyi Huang, individually and Shen Xing Gift Shop, Inc. a/k/a Shen Xing Gift Shop a/k/a Chen Xing Gift Shop ("Settling Defendants") pursuant to the Lanham Act, 15 U.S.C. § 1051, *et seq.*, as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473, and under the laws of the State of New York, for trademark counterfeiting, trademark infringement, trademark dilution, unfair competition and false designation of origin, and unlawful deceptive acts and practices for the reason that the Settling Defendants are alleged to be engaged in importing, distributing, offering for sale and/or selling, among other things, products that bear counterfeits and/or infringing imitations of Plaintiffs' trademarks described and defined in the Complaint (collectively "Plaintiffs' Marks"); and

Settling Defendants, having entered into a Settlement Agreement (the "Settlement Agreement") with Plaintiffs and having stipulated to the entry of a Permanent Injunction and Final Judgment; and

Settling Defendants, do not admit to liability by entering into the Settlement Agreement with Plaintiffs and having stipulated to the entry of a Permanent Injunction and Final Judgment; and

The parties, having indicated below their consent to the form and entry of this Permanent Injunction and Final Judgment on Consent (the "Injunction").

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

Settling Defendants, their agents, servants, employees, representatives, confederates, affiliates and any other persons or entities acting in concert or participation with them, hereby agree to be, and are permanently enjoined and restrained from:

- (a) Using the Plaintiffs' Marks or any reproduction, counterfeit or copy of Plaintiffs' Marks, in connection with the importation, exportation, manufacture, distribution, advertising, promotion, offer for sale and/or sale of products that are not Plaintiffs' Products (as defined in the Settlement Agreement), or in any manner likely to

cause others to believe Settling Defendants' products are connected with Plaintiffs or Plaintiffs' Products; and

(b) Passing off, inducing, or enabling others to sell or pass off any products which are not Plaintiffs' Products as and for genuine Plaintiffs' Products; and

(c) Committing any other acts calculated to cause purchasers or prospective purchasers to believe Settling Defendants' products are connected with Plaintiffs' Products, unless they are such; and

(d) Manufacturing or arranging the manufacture of, importing, exporting, shipping, delivering, distributing, offering for sale, selling and/or otherwise moving or disposing of, in any manner, products falsely bearing one or more of Plaintiffs' Marks, logos or trade names, or any reproduction, counterfeit or copy of same; and

(e) Making any representations, orally or in writing, to any member or segment of the public, that they are authorized, licensed or otherwise permitted by Plaintiffs to manufacture, export, import, ship, deliver, distribute, offer for sale and/or sell Plaintiffs' Products unless they are such; and

(f) Assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subsections (a) through (e).

IT IS FINALLY ORDERED, that this Court has jurisdiction over the parties, and the subject matter of the action. This Court shall retain jurisdiction to the extent necessary to enforce this Injunction and the Settlement Agreement between the parties, which is hereby made a part hereof and incorporated by reference, and to determine any issues that may arise under either.

CONSENTED TO BY CHLOE, S.A.S.
and J. CHOO LIMITED

Dated: 3/14/08

By: 

Harley I. Lewin (HL 1819)
Scott Gelin (SG 9599)
James Donoian (JD 9052)
GREENBERG TRAURIG, LLP
200 Park Avenue, 34th Floor
MetLife Building
New York, New York 10166
Telephone: (212) 801-9200
Facsimile: (212) 801-6400

-and-

Katherine Compton
GREENBERG TRAURIG, LLP
2200 Ross Avenue
Suite 5200
Dallas, Texas 75201
Telephone: (214) 665-3660
Facsimile: (214) 665-5960
Admitted pro hac vice

*Attorneys for Plaintiffs
Chloe, S.A.S., J. Choo Limited*

CONSENTED TO BY ENYI HUANG
and SHEN XING GIFT SHOP INC.
a/k/a SHEN XING GIFT SHOP a/k/a
CHEN XING GIFT SHOP

Dated: muh 4m 2008

By: 

Todd Greenberg
118-21 Queens Blvd.
Suite 306
Forest Hills, NY 11375
Tel: (718) 268-0400
Fax: (718) 575-9869

*Attorneys for Defendants Enyi Huang and
Shen Xing Gift Shop Inc. a/k/a Shen Xing
Gift Shop a/k/a Chen Xing Gift Shop*